

**TOWN OF DAVIE
REGULAR MEETING
FEBRUARY 18, 2004**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:30 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were Mayor Truex, Vice-Mayor Starkey, Councilmembers Crowley, Hubert, and Paul. Also present were Town Administrator Willi, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

3. PRESENTATIONS

3.1. 2003 Holiday Season Supporters (Councilmember Hubert)

Councilmember Hubert recognized and awarded Certificates of Appreciation to residents and businesses who volunteered to adopt needy families during the 2003 holiday season.

3.2. 2003 Fourth Quarter Employee Recognition Awards

Maureen Sealy, Human Resources Analyst, presented certificates to recipients of the 2003 Fourth Quarter Employee Recognition Awards. The award recipients included Officer Tiffany Richards, Officer Larry Elliott, and Officer Robert Caffarelli.

3.3. Senior Citizens Advisory Board Annual Report

Dean Alexander, Vice Chair, summarized the Board's annual report. He advised that some residents were not always adequately informed about events in the Town and suggested using a graphics generator to set up a crawl at the bottom of the screen, which could be used to publicize events during televised meetings. Mr. Alexander also recommended getting information out to seniors about a public van service to help the elderly and disabled.

Mayor Truex asked about the status of the Everglades Spur on the Bus Route. Programs Administrator Chris Kovanes advised that Broward County controlled the logistics and schedule of the bus and had the authority to override any Town decision regarding this route. He stated that the County had not permitted the Town to go into the area, based upon their logistics with timing, scheduling and stops. Mayor Truex requested that the Town continue working on resolving this issue.

Mr. Alexander advised that some residents desired the opportunity to be involved in the budgeting decisions of the Town. He spoke of the need for storage for appliances donated to seniors. Councilmember Hubert suggested that storage be provided at the property adjacent to the Fire Station on Orange Drive.

Mr. Alexander requested that the Town consider asking local shopping centers to provide bus shelters for passengers. Mr. Willi stated that the County had indicated there would be future funding available for bus shelters at some locations.

Mr. Alexander requested that residents be provided with information on private and jurisdictional services available to seniors and disabled persons.

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3.4 Congressman E. Clay Shaw updated Council on congressional issues that would have an impact on the Town which included the economic deficit, the upcoming presidential election, the war in Iraq and the war on terrorism.

Vice-Mayor Starkey spoke about the Town's concerns about noise, air pollution and airport expansion issues. She spoke of the Town's requests that any conditions considered be those which would have the least impact on residents. Vice-Mayor Starkey asked for Congressman Shaw's cooperation with regard to helping the Town with mitigation efforts for residents of mobile home communities and other residences in the noise contours. Congressman Shaw voiced his support for the Town on these efforts.

Vice-Mayor Starkey requested that the last airport resolution be sent to Congressman Shaw.

3.5 Geri Clark, representing the Police Athletic League (PAL), presented Certificates of Appreciation honoring the Town Council, Mr. Willi, and Mr. Kiar and Andre Parke, for their support of PAL.

Mayor Truex advised that staff requested that item 6.5 be tabled to May 5, 2004.

Councilmember Hubert made a motion, seconded by Mayor Truex, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex requested that items 3.4 and 3.5 be added to the agenda.

Councilmember Paul made a motion, seconded by Mayor Truex, to add. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex advised that staff requested that item 4.23 be added to the Consent Agenda.

Councilmember Paul made a motion, seconded by Vice-Mayor Starkey, to add. In a voice vote, all voted in favor. (Motion carried 5-0)

4. APPROVAL OF CONSENT AGENDA

Minutes

4.1. December 3, 2003 (Regular Meeting)

4.2. December 4, 2003 (Emergency Meeting)

Proclamation

4.3. Colon Cancer Awareness Month (March 2004)

Resolutions

4.4. **EAST-WEST TRANSIT - A RESOLUTION OF THE TOWN OF DAVIE,**
R-2004-33 FLORIDA SUPPORTING THE PROPOSED CENTRAL BROWARD EAST WEST
TRANSIT SUNRISE BOULEVARD-BROWARD BOULEVARD "A"
ALIGNMENT ALTERNATIVE OR THE I-595-STATE ROAD 84 ALIGNMENT
ALTERNATIVE WITH EQUAL BURDEN OF TRANSIT STATIONS BETWEEN
THE TOWN OF DAVIE AND THE CITY OF PLANTATION. (tabled from
February 4, 2004)

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- 4.5. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING
R-2004-34 THE BID FOR THE SUPPLY AND INSTALLATION OF A PAVILION AT FALCON'S LEA PARK. (Play Space Services, Inc. - \$52,745)
- 4.6. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING
R-2004-35 THE BID FOR A FIRE SAFETY TRAILER. (Mobile Concepts - \$36,437)
- 4.7. **NON-AD VALOREM ASSESSMENT PROGRAM** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF GOVERNMENT SERVICES GROUP, INC., TO PERFORM SERVICES RELATING TO THE DEVELOPMENT AND IMPLEMENTATION OF A NON-AD VALOREM ASSESSMENT PROGRAM FOR STORMWATER MANAGEMENT SERVICES. (\$34,558)
- 4.8. **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING AND ACCEPTING THE STATE OF FLORIDA CONTRACT NUMBER 725-000-03-01 FOR THE PURCHASE OF WIRELESS CONNECTION SERVICE THROUGH VERIZON WIRELESS FOR THE LAPTOP COMPUTERS UTILIZED IN THE FIELD.
- 4.9. **ARCHITECTURAL SERVICES** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF CPZ ARCHITECTS, INC. TO PROVIDE ARCHITECTURAL SERVICES FOR THE PUBLIC WORKS/FIRE ADMINISTRATION BUILDING AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES.
- 4.10. **ISSUANCE OF CHECKS** - A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE USE OF FACSIMILE SIGNATURES ON CHECKS ISSUED BY THE TOWN; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.
- 4.11. **AUTHORIZATION** - A RESOLUTION OF THE TOWN OF DAVIE, AUTHORIZING EACH TOWN EMPLOYEE UP TO A MAXIMUM OF TWO PAID DAYS TO WORK ON THE HARMONY VILLAGE COMMUNITY INITIATIVE PHASE II DURING APRIL-JUNE 2004; AND, PROVIDING FOR AN EFFECTIVE DATE.
- 4.12. **MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF THE CODE COMPLIANCE LIENS IN CASE NO. 97-347 FROM \$49,000 IN AMOUNT TO \$7,309.18; AND PROVIDING AN EFFECTIVE DATE.

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- 4.13. **RESTRICTIVE NOTE AMENDMENT** - A RESOLUTION OF THE TOWN OF
R-2004-41 DAVIE, FLORIDA, AUTHORIZING AN AMENDMENT TO THE RESTRICTIVE
NOTE OF THE "NOVA PLAZA ADDITION," AND PROVIDING AN
EFFECTIVE DATE. (DG 1-1-04, Nova Plaza Addition, 6075 Orange Drive)
- 4.14. **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A
R-2004-42 SUBDIVISION PLAT KNOWN AS OAK SCHOLAR - DAVIE AND
AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE
SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE
TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 2-
1-03, Oak Scholar - Davie, 3655 Shotgun Road) *Planning and Zoning Board
recommended denial*
- 4.15. **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING
R-2004-43 THE PLAT KNOWN AS LA TIERRA DE MONSTERRA DELICIOSA AND
AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE
APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN
SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 5-1-03, La
Tierra de Monsterra Deliciosa, 6838 SW 43 Court) *Planning and Zoning Board
recommended approval*
- 4.16. **GRANT SUPPORT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2004-44 SUPPORTING THE TOWN OF SOUTHWEST RANCHES, FLORIDA,
PARTNERSHIP GRANT APPLICATION WITH THE SOUTH BROWARD
DRAINAGE DISTRICT TO THE 2004-2005 EMERGENCY MANAGEMENT
COMPETITIVE GRANT FOR THE PURPOSE OF CONSTRUCTING THE
IVANHOE/GREEN MEADOWS FLOOD CONTROL/STORAGE
INTERCONNECT, PUBLIC WORKS LMS PROJECT; AND PROVIDING FOR
AN EFFECTIVE DATE

Site Plans

- 4.17. SP 3-3-03, FMC Telecom Office Building, 6075 Orange Drive (B-2) (tabled from
January 7, 2004) *Site Plan Committee recommended approval based on the planning
report and adding cross-hatching across the existing back-out spaces onto Orange Drive
so that it would be clear that there was a "designated" sidewalk and pedestrian access
behind those existing car spaces*
- 4.18. SP 9-1-03, Office Building for By Faith Development Corp., 7665 Davie Road (B-2)
*Site Plan Committee recommended approval based on the planning report and subject to
the comments made by Vice-Chair Evans regarding the free standing columns at the
parking areas; and that on the north side of the building, the three Washingtonia Palms be
replaced with three Alexander Palms 14 to 16-foot heights*

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- 4.19. SP 9-8-03, Office Building for James D. Sands, D.D.S., P.A., 5651 Davie Road (RO) *Site Plan Committee recommended approval based on the planning report and that the air conditioning units in the front be "pulled over" and surrounded by landscaping in order to screen them from the street side and from the pedestrian side; and to make all the necessary adjustments to protect the "28-inch caliper" Live Oak tree*

Temporary Use Permits

- 4.20. TU 1-1-04, Saint David's Catholic Church, 3900 South University Drive (Country Carnival)
- 4.21. TU 1-2-04, Tower Shops/Town of Davie Police Department, 1904 South University Drive (Equipment Exposition)
- 4.22. TU 1-3-04, Robert Dozoretz, Town of Davie, 3800 South Pine Island Road (5K Run)
- 4.23. TU 2-2-03, Russ Cubbin (Habitat for Humanity of Broward County), 7665 Davie Road Extension

Councilmember Crowley requested that item 4.18 be removed from the Consent Agenda. Councilmember Paul requested that item 4.14 be removed. Councilmember Hubert request that items 4.4, 4.7, and 4.15 be removed. Mayor Truex requested that items 4.12 and 4.23 be removed.

Councilmember Paul made a motion, seconded by Mayor Truex, to approve the Consent Agenda without items 4.4, 4.7, 4.12, 4.14, 4.15, 4.18, and 4.23. In a voice vote, all voted in favor. (Motion passed 5-0)

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.4 Councilmember Hubert asked if the Town would be allowed to select a route on the proposed East-West transit system. Mayor Truex indicated that the resolution endorsed the route proposed along I-595 with a qualification that the Town would share the burden with Plantation.

Scott Seeburger, representing the Florida Department of Transportation (FDOT), explained that the resolution concerned a general alignment for how the facility would meander through the I-595 corridor.

Councilmember Hubert pointed out that the Nova Southeastern University RAC would be a large facility needing transportation services. Mr. Seeburger advised that the alignment chosen would service the RAC and indicated that the Metropolitan Planning Organization would be involved in decision making on the bus route. He stated that the FTA would ultimately be the authority on this.

Town Engineer Larry Peters stated that the Town was in support of a route as long as the burden of the transit stations was shared and as long as sound barriers and adequate landscaping were provided. Councilmember Paul spoke of prior lessons the Town learned from similar situations.

Vice-Mayor Starkey asked if FDOT had any preference on sound barriers for newer versus older communities. Mr. Seeburger advised that FDOT would need to have a project in a given area which either added capacity to I-75, or which made geometric changes, in order for that community to be considered for noise abatement. Vice-Mayor Starkey spoke of the sound

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walls and landscaping along the City of Sunrise border, which had less density than the Ivanhoe community that had been requesting sound barriers for ten years. She felt the Ivanhoe area should have been considered as a priority for sound walls, versus the newer and less dense communities. Mr. Seeburger explained that the communities which had nearby construction of additional lanes were the ones considered for sound barriers. He indicated that the Ivanhoe area would have sound walls built when FDOT began making improvements in that community along I-75. Vice-Mayor Starkey suggested that sound walls and landscaping be added first, prior to construction of additional lanes in the Ivanhoe area. Mr. Seeburger indicated that this was being done.

Councilmember Paul asked Mr. Seeburger if he was familiar with the use of an overlay that would absorb sound on the roads. She requested to meet with Mr. Seeburger to discuss exploring this option further.

Councilmember Crowley spoke against this item.

Councilmember Hubert made a motion, seconded by Vice-Mayor Starkey, to approve. In a voice vote, all voted in favor with Councilmember Crowley dissenting. (Motion carried 4-1)

4.7 After item 6.2 was discussed, Councilmember Hubert asked if the company performing the assessment could reduce the cost to the Town.

Budget and Finance Director William Underwood indicated the company had already given the Town a \$5,000 price break.

Councilmember Crowley asked if this item was in the operating budget. Mr. Underwood indicated yes.

Councilmember Crowley made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Starkey - no; Councilmember Crowley - yes; Councilmember Hubert - no; Councilmember Paul - yes. (Motion failed 3-2)

Later in the meeting, a motion was passed to deny the resolution.

4.12 Mayor Truex asked why the Town was seeking less than the guideline amount for mitigation. Mr. Willi advised that the special master felt special circumstances warranted the reduction in amount. Mayor Truex felt the \$13,694.19 figure should be adhered to.

Councilmember Hubert made a motion, seconded by Councilmember Crowley, to approve the \$7,309.19 figure recommended by the special master. In a voice vote, all voted in favor, with Mayor Truex and Vice-Mayor Starkey dissenting. (Motion carried 3-2)

4.14 Councilmember Paul requested that Council be provided with the minutes of the Planning and Zoning Board meetings. Mayor Truex agreed with this request.

Mayor Truex asked about the consequence of missing the deadline. Bill Laystrom, representing the petitioner, indicated that the County application would expire and that the applicant would have to re-file, re-pay a new fee and go back through the process.

Vice-Mayor Starkey spoke of the site's ingress/egress concerns, such as having only a single entrance on Shotgun Road. She suggested placing an additional access over the bridge from the northernmost part of the property, coming straight through to the other proposed

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public school site, in order to relieve the burden on Shotgun Road.

Mr. Laystrom gave Council a brief presentation on the site characteristics and the proposed development.

Councilmember Paul was concerned about access off the equestrian bridge. She stated that she would be more comfortable with having the plat come back when the rezoning and site plan were heard. Councilmember Paul spoke about concerns with the archeological site and requested to see the management plan on this site before going further with approval.

Mayor Truex wanted clarification that if this was approved, the petitioner would not be granted a vested right. Mr. Laystrom indicated that he would be willing to put this condition in writing. Mr. Kiar felt this would be acceptable, so long as Mr. Laystrom was willing to agree on the record, in a written agreement between the applicant and the Town, that if the rezoning or the site plan were denied, then the plat would be denied.

Vice-Mayor Starkey spoke about the increase in the Town's diversity of population. She spoke in favor of approving the plat at this point, under the Terms and Conditions.

Vice-Mayor Starkey made a motion, seconded by Councilmember Crowley, to approve the plat subject to the Terms and Conditions and the developer's agreement. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 5-0)

4.15 Councilmember Hubert addressed Mr. Martinez, a resident concerned about noise from the fire house near his property. She advised Mr. Martinez that there would be a meeting the following Thursday about the Public Works building and the buffer.

Councilmember Crowley made a motion, seconded by Vice-Mayor Starkey, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.18 Councilmember Crowley asked Mr. Engle, representative for the applicant, if his contribution would be for landscaping of the Davie Road Extension swale area. Councilmember Crowley also asked Mr. Engle to clean up the yard on the property.

Councilmember Crowley made a motion, seconded by Councilmember Hubert, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.23 Mr. Willi explained that the temporary use permit would allow the petitioners to stay in their mobile homes on the commercial property for a few weeks.

Councilmember Hubert made a motion, seconded by Vice-Mayor Starkey, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

Mr. Willi recognized Assistant Police Chief Robert McDaniel, who was attending his last official Council meeting as he was retiring at the end of the month. Council congratulated Chief McDaniel.

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6. PUBLIC HEARING

Ordinance - Second and Final Reading

- 2004-7 6.1. **LAND USE ELEMENT TEXT CHANGE - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ADOPTING APPLICATION LA(TXT)02-10 AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE ELEMENT TEXT TO ESTABLISH POLICIES AND OBJECTIVES WHICH ENCOURAGE THE PRESERVATION AND ENHANCEMENT OF THE TOWN'S RURAL LIFESTYLE AND EQUESTRIAN LIFESTYLE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. {Approved on First Reading November 6, 2002 - all voted in favor} (Supermajority vote required)**

Town Clerk Muniz read the ordinance by title.

Development Services Director Mark Kutney provided Council with a staff report on this item.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Paul made a motion, seconded by Vice-Mayor Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 5-0)

Resolution

- 6.2. **NON-AD VALOREM SPECIAL ASSESSMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM SPECIAL ASSESSMENTS LEVIED WITHIN THE INCORPORATED AREA OF THE CITY; STATING A NEED FOR SUCH LEVY; PROVIDING FOR THE MAILING OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Muniz read the resolution by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Mr. Underwood explained the necessity for the resolution.

Vice-Mayor Starkey asked whether the resolution was giving permission for advertisements. Mr. Underwood advised that the resolution was to give permission to use the tax collector and the property appraiser in its efforts to assess various parcels.

Councilmember Crowley asked for clarification regarding whether this was maintenance only or for capital improvements. Mr. Underwood and Public Works/Capital Projects Director Bruce Bernard indicated that it would provide for maintenance and new equipment.

Councilmember Hubert felt it was not fair to add another tax. Mayor Truex agreed and indicated that this resolution simply created another tax. Vice-Mayor Starkey pointed out that past improvements which have been made had to be funded for maintenance. Councilmember Hubert felt the Council should discuss this item during the workshop on the fire assessment.

Councilmember Paul asked for clarification about the March 1, 2005 date. Mr. Underwood advised that in the event Council moved forward, the Town would be able to take

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advantage of using the tax collector and property appraiser in its assessment of parcels. He recommended that Council and the consultant move forward on this item. Councilmember Paul asked what the consequence would be if Council did not move forward on this item. Mr. Underwood advised there would be no mechanism currently or in the future, to collect without this resolution.

Mayor Truex felt Council could raise the ad valorem taxes next year. Mr. Underwood concurred with Mayor Truex, but urged Council to move forward with this resolution even if the intention was not to use it. Mayor Truex opposed this suggestion.

Councilmember Crowley felt it was necessary to have a workshop on this item. He spoke highly of the drainage system Mr. Bernard had implemented.

Councilmember Hubert made a motion, seconded by Mayor Truex, to deny. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - no; Councilmember Hubert - yes; Councilmember Paul - no. (Motion carried 3-2)

Ordinances - First Reading (Second Reading to be held at a later date)

- 6.3. **TRANSMITTAL - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS, APPLICATION LA 03-10, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN MAP DESIGNATION OF CERTAIN LANDS FROM "COMMERCE/OFFICE" TO "COMMERCIAL"; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (LA 03-10, Lakeside Shops, 5800 South University Drive)**
Local Planning Agency recommended approval (Supermajority vote required)

Town Clerk Muniz read the ordinance by title.

Mayor Truex announced there would be a public hearing on this item at a later date to be determined.

Ms. Ross summarized the staff report.

Dennis Mele, representing the petitioner, spoke on the merits of the project.

Mayor Truex opened the public hearing portion of the meeting.

Rebecca Mele, 5251 SW 49 Street, spoke in favor of the project.

Mayor Truex closed the public hearing.

Councilmember Paul spoke of past developments that have had problems with the adjacent homeowners. She commended the efforts of Mr. Mele and his client and voiced her support of the project.

Mayor Truex asked how homeowners' association letters would be incorporated in the plan. Mr. Mele indicated the petitioner had several discussions with the neighboring residents and had agreed to put in landscaping improvements to comply with written agreements. He advised that these improvements would be indicated on the site plan.

Councilmember Paul asked if there was any objection to providing a developer's agreement. Mr. Mele indicated that he would submit an agreement for Council's review.

Vice-Mayor Starkey commended Mr. Mele on the project's features and his efforts to involve public participation. She voiced her support for the project.

Councilmember Crowley thanked Mr. Mele for working with the residents and voiced his support for the project. Councilmember Hubert also spoke in support of the project.

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Councilmember Paul made a motion, seconded by Councilmember Crowley, to approve, subject to the developer's agreement. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 5-0)

- 6.4. **TRANSMITTAL - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS, APPLICATION LA 03-12, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN MAP DESIGNATION OF CERTAIN LANDS FROM "COMMERCIAL" TO "RESIDENTIAL 16 DU/AC"; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (LA 03-12, University Creek, 5990 SW 82 Avenue**
Local Planning Agency recommended denial (Supermajority vote required)

Earlier in the meeting, Town Clerk Muniz read the ordinance by title. Mayor Truex announced that there would be a public hearing on this ordinance at a later date.

Dennis Mele, representing the petitioner, gave a presentation about the site characteristics and the proposed development. He advised Council that based on the schedule of the County's Planning Council, this item would not come back until November or December as it had to go the County, Tallahassee and other agencies for further review. Mr. Mele stated that no decision made by Council would vest the petitioner with any rights. He referred Council to the fiscal report for this property.

Eric Valle responded to Councilmember Crowley's comments about the width of the swale and indicated that they would be representative of what was shown on the photos.

Mayor Truex opened the public hearing portion of the meeting.

Sandy Marino, a resident of Davie Lakes Estates and president of the Homeowners' Association, spoke of traffic problems in this area, specifically on 82nd Avenue. She felt these problems would only worsen.

Eduardo Yi, a resident of Davie Lakes Estates, voiced his concerns about increased traffic on 82nd Avenue.

Beth Ashley, a resident of Davie Lakes Estates voiced her concerns about traffic.

Mayor Truex closed the public hearing.

Planning Supervisor Deborah Ross summarized the staff report.

Mayor Truex spoke in opposition to the plan. He felt that taking commercial property off the tax roll was not wise and would not benefit the Town. Mayor Truex believed the increase in residents would increase the cost of services the Town would have to provide.

Councilmember Crowley spoke against the project. He voiced his concerns about traffic problems in the area and felt the impact on the Town's public services would be greater. He advised that he had met with residents on this issue.

Councilmember Paul objected to the project and felt the Council should not rush into this issue.

Councilmember Hubert objected to the location for the project.

Vice-Mayor Starkey felt the Town should address the residents' concerns about traffic. She acknowledged there was a need for affordable housing but felt this project did not meet that need, and was not compatible with surrounding land use issues.

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Councilmember Crowley made a motion, seconded by Councilmember Paul, to deny. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 5-0)

4.7 Mr. Willi requested to reaffirm the motion on item 4.7 as the motion to approve failed, leaving it as an open issue.

Councilmember Hubert made a motion, seconded by Vice-Mayor Starkey, to deny. In a voice vote, all voted in favor with Councilmember Crowley and Councilmember Paul dissenting. (Motion carried 3-2)

Items to be tabled or withdrawn

6.5. STAFF REQUESTING A TABLING TO MAY 5, 2004

CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE VIII, SECTION 12-238(J)(9) THEREOF RELATING TO BILLBOARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from January 21, 2004) {Approved on First Reading September 3, 2003 - all voted in favor with Councilmember Paul dissenting)

This item was tabled earlier in the meeting.

6.6. DENIED BY COUNCIL ON FEBRUARY 4, 2004

CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE NO. 2002-38; CORRECTING SECTION 12-32 ENTITLED "TABLE OF PERMITTED USES" SPECIFICALLY REVISING MORTUARY USE AS A CONDITIONALLY PERMITTED USE IN THE RO ZONING DISTRICT; AND AMENDING SECTION 12-34 ENTITLED "STANDARDS ENUMERATED" TO PROVIDE FOR DETAILED USE REGULATIONS REGARDING VIEWING SERVICES FOR MORTUARY USES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

This item was withdrawn.

7. APPOINTMENTS

7.1. Agricultural Advisory Board (one exclusive appointment - Vice-Mayor Starkey; term expires April 2004) (insofar as possible, member shall have experience in agricultural matters, related occupations or other similar skills)

No appointment was made.

7.2. Airport Advisory Board (one exclusive appointment - Councilmember Hubert; term expires December 2004)

Councilmember Hubert appointed Arnetta Davis to the board.

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- 7.3. Budget Advisory Committee (members shall have experience in financial related occupation or similar skills) (one exclusive appointment - Councilmember Crowley; term expires April 2004)

No appointment was made.

- 7.4. Child Safety Board (one exclusive appointment - Vice-Mayor Starkey and Mayor Truex; terms expire April 2004) (whenever possible, members shall have interest and expertise in law enforcement, elementary school instruction, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointments were made.

- 7.5. Community Relations Advisory Board (one exclusive appointment - Vice-Mayor Starkey; term expires April 2004)

No appointment was made.

- 7.6. Open Space Advisory Committee Agency (one exclusive appointment - Councilmember Crowley and Vice-Mayor Starkey; terms expire April 2004)

No appointments were made.

- 7.7. Senior Citizen Advisory Board (two exclusive appointments - Mayor Truex; terms expire April 2004) (members shall be a minimum 60 years of age)

No appointments were made.

8. OLD BUSINESS

9. NEW BUSINESS

- 9.1. Discussion on Repealing Resolution R-82-112

Mr. Kutney advised that staff had conducted a survey which indicated that several Broward municipalities did not provide exemptions for religious or charitable entities. He indicated that the Town had been impacted over the years due to religious institutions not paying permitting fees.

Councilmember Hubert felt it was wrong that churches had not paid their development fees. Mayor Truex was not in favor of taxing religious institutions such as the JCC or churches, as he felt they provided much to the community. Councilmember Paul indicated she would be interested in seeing numbers indicating what the actual impact fee waivers would have on the Town. Vice-Mayor Starkey asked about the million dollar figure suggested by a resident and wondered where the figure came from. Mayor Truex did not want to tax religious institutions as they did not make a profit, but provided valuable services to the Town which could not be calculated. Vice-Mayor Starkey concurred. She asked that Mr. Kutney circulate the survey indicating municipalities which taxed religious institutions, along with their fee structures. Council asked Mr. Willi to conduct further analysis of the impact that the waiver would have on Sheridan House.

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9.2. Community Relations Advisory Board Structure (Mayor Truex)

Mayor Truex did not feel it was appropriate to have a Councilmember on the Board and had proposed that staff look into revising the ordinance to delete the Council position.

Vice-Mayor Starkey spoke about Fair Campaigning Practices outlined in the County's ordinance which she wanted to emulate at the local level. She felt the Board should look at unethical campaign practices such as destruction of signs, violations, innuendos or slander. Vice-Mayor Starkey requested that the Board establish a review board to examine "mud-slinging and allegations" made by candidates for office and establish fines if investigations found candidates guilty of unethical campaign practices. She felt the Town should rise above such behavior for the sake of the residents.

Councilmember Paul speculated whether such a review board would be appropriate without some adjustment to the ordinance that governed the Board. Mayor Truex agreed that an ordinance change would be required.

Councilmember Crowley was not sure that a citizen's advisory board was the right entity to be involved in political issues. Councilmember Hubert felt this would not be fair to the advisory board members. Councilmember Crowley stated his willingness to review any recommendations drafted on this item. Mayor Truex indicated his willingness to do the same.

10. MAYOR/COUNCILMEMBER'S COMMENTS

COUNCILMEMBER HUBERT.

CPR CERTIFICATION. Councilmember Hubert asked Fire Chief Don DiPetrillo if someone could come to the PAL and certify teenagers and PAL caregivers in CPR. Chief DiPetrillo indicated this would be possible.

DONATIONS. Councilmember Hubert spoke of the donation of food for Easter and the need for volunteers.

HATEFULNESS. Councilmember Hubert spoke against hatefulness exhibited by some people toward the residents, Council and staff. Mayor Truex asked that everyone end the hateful behavior.

COUNCILMEMBER CROWLEY

AIRPORT EXPANSION. Councilmember Crowley spoke of the resolution received by Davie Country Estates Homeowners' Association opposing the airport expansion position taken by the County Commission. He requested that the County Commission and the Council members receive copies of the homeowners' position and requested that more associations voice their opinions about airport expansion.

ELECTION. Councilmember Crowley reminded residents to vote on March 9th.

VICE-MAYOR STARKEY

NOISE COALITION. Vice-Mayor Starkey spoke of the need to join the NOISE coalition to oppose the impacts of airport expansion. She gave a summary of the organization's efforts which provided elected officials with information on how they could protect their communities from noise impacts. Vice-Mayor Starkey requested that a resolution be drafted and added to the next agenda, with regard to the Town joining the coalition.

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COMMENDATION. Vice-Mayor Starkey advised that she had spoken to Colonel Greg Tate at the service for Officer Curtis Mancini and stated that he had commended the Town Council for passing a resolution that helped serve the United States Military.

STAND FOR CHILDREN DAY. Vice-Mayor Starkey announced that Evelyn Grooms, the Director of Family Central, would have a *Stand For Children* event on March 7th at the Downtown Fort Lauderdale Museum of Science. Vice-Mayor Starkey requested that Council pass a proclamation declaring March 7, 2004 *Stand For Children Day*, in recognition of Family Central.

WATER AND ENVIRONMENTAL ADVISORY BOARD. Vice-Mayor Starkey announced that the Water and Environmental Advisory Board was having a TAC Board. She indicated that she had forwarded Councilmember Crowley some information as he sat on the TAC. Vice-Mayor Starkey advised that the resolution could identify secondary canal improvements and water research strategies for the Broward County Everglades Restoration Project. She asked that this be placed on the next agenda.

COUNCILMEMBER PAUL

FALCON'S LEA PARK. Councilmember Paul spoke of her concerns regarding Falcon's Lea park. She requested a timeline of landscaping phases for the park.

DOG PARK. Councilmember Paul advised of a memo she had received from Broward County Commissioner Parrish indicating there would be development of a dog park in the western part of the county at Markham Park. She hoped the Town would be able to include a dog park for Davie in the future.

AMENDMENT TO AIRPORT RESOLUTION. Councilmember Paul spoke about changes she had requested to the airport resolution requesting appropriations for sound walls, which were approved at the recent MPO meeting.

BROWARD COUNTY FARM AWARD. Councilmember Paul advised that the County had received national recognition as the first in the nation to qualify for the American Farm Bureau's Foundation Leadership Award. She was proud of the Town's farming community.

REQUEST FOR RECONSIDERATION. Councilmember Paul requested that Council reconsider the vote at the previous Council meeting, with respect to Home Rule Authority.

Councilmember Paul made a motion, seconded by Mayor Truex, to reconsider. In a voice vote, all voted in favor. (Motion carried 5-0)

MAYOR TRUEX

WEBSITE. Mayor Truex spoke highly of the Town's website and thanked Mr. Willi.

FISCAL IMPACT STUDY. Mayor Truex spoke about the Fiscal Impact Study which he felt was embarrassing and unacceptable.

SPEED HUMPS. Mayor Truex asked if there were any pending speed hump applications. Mr. Willi indicated he was not aware of any.

COMPUTER POLICY. Mayor Truex spoke about the previous computer policy draft. He asked if Council objected to his meeting with the Mr. Kiar to breathe new life into the policy, as there were sound legal concerns reflected, which he did not wish to see disregarded. Council members had no objections.

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PROTOCOL MANUAL. Mayor Truex asked about a policy concerning staff communication with Council. Mr. Willi indicated that a protocol manual was being developed which would be ready by the middle of March.

SIEGEL PROPERTY. Mayor Truex asked for an update on litigation concerning the Siegel property. Mr. Kiar advised that the three separate lawsuits had been consolidated. He indicated that the matter would go back to the special master, which would then be presented to the circuit judge, who was considering one of the Town's motions. Mr. Kiar advised that he had visited the site with Mr. Stallone, Vice-Mayor Starkey, Neal Kalis, and Mr. and Mrs. Connors. He advised that this case was being actively litigated.

Councilmember Paul asked if anything was happening on the actual property. Mr. Willi indicated there was no equipment on the property to the northern and southern lots.

Vice-Mayor Starkey advised that mulch had been moved around on the site, but that on the southern parcel there was not much movement. She indicated there were still several problems on the site.

11. TOWN ADMINISTRATOR'S COMMENTS

SPECIAL EXECUTIVE SESSION. Mr. Willi advised that an Executive Session needed to be held at the next Council meeting. Mr. Kiar requested that the Session be held at 6:00 p.m. on March 3rd regarding a proposed agreement regarding the Forman litigation. He advised that Mr. Willi, special counsel Mike Burke, Council and he would need to be in attendance.

Councilmember Paul made a motion, seconded by Vice Mayor Starkey, to approve the scheduling of the Executive Session. In a voice vote, all voted in favor. (Motion carried 5-0)

12. TOWN ATTORNEY'S COMMENTS

TOWN ATTORNEY'S COMMENTS

ANNEXATION. Mr. Kiar indicated that oral arguments were made in court earlier during the day regarding the Cooper City annexation litigation. He advised that he would update Council with a further report in the near future.

CITRUS CANKER. Mr. Kiar spoke of the lawsuit challenging Florida laws requiring removal of citrus trees within a 1,900-foot radius of a tree infected with canker. He advised that on February 12th, the Florida Supreme Court ruled the citrus canker legislation to be constitutional.

Councilmember Hubert requested that "Home of Nova Southeastern University" be added to Welcome to Davie/Bergeron Rodeo signage.

13. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 11:15 p.m.

Approved _____

Mayor/Councilmember

Town Clerk

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